IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2817 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE KSHITIJ R.VYAS
and
Hon'ble MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DAHYABHAI MAGANBHAI SINCE DECEASED THROUGH HEIRS
Versus
SPECIAL LAND ACQUISITION OFFICER

Appearance:
1. Special Civil Application No. 2817 of 2003
MR GM AMIN for Petitioner No. 1-1/2
MR KODEKAR,AGP for Respondent No. 1-2,4
..... for Respondent No. 3

CORAM : MR.JUSTICE KSHITIJ R.VYAS
and
MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 09/04/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE KSHITIJ R.VYAS)

1. The petitioners in this petition have prayed for appropriate writ, order or directions calling upon the respondents to implement the award Annexure A dated 31.3.2003 and to direct the respondents to pay compensation to the extent of 1/4th share of the petitioner with interest at the rate of 18% p.a. till the date of payment.

The land of the petitioners is situated in the sim of village Zak, Taluka Dehgam, District: Gandhinagar. The said land was acquired for the purpose of laying down Narmada canal. The Special Land Acquisition Officer, Narmada Yojna, Unit No.3, respondent no.1 herein declared the award on 29.9.1986. It appears that some of the claimants filed reference applications under section 18 of the Land Acquisition Act ('Act' for short). The learned 2nd Extra Assistant Judge and Special Judge (LAQ) Ahmedabad (Rural) enhanced the amount of compensation by his judgment and order dated 30.10.2001. It further appears that the petitioners have not filed reference application. Therefore, the petitioners filed application under section 28A of the Act. However, the said application was not decided. The petitioners approached this Court by filing a writ petition being Special Civil Application No.8950 of 2002 and the same was decided on 6.9.2002 wherein direction was issued to decide the application within two months. In pursuance of the same, the award was declared by the respondent no.1 on 31.1.2003. Since the petitioners are not paid the amount of compensation, the present petition is filed.

2. After having heard learned Counsel for the petitioners and Mr. Kodekar, learned AGP, we dispose of this petition by directing the respondents to implement the award Annexure A and direct the respondents to pay the compensation to the extent of 1/4th share of the petitioners as per award Annexure A, with running interest till the date of payment, at the rate of interest as per the provisions of the Act. This direction is necessary in view of the fact that the award dated 31.1.2003 is in fact accepted by the respondents inasmuch as no appeal is preferred against the said award. The respondents are directed to deposit 1/4th of the amount of compensation within three months from today before the Land Acquisition Officer.

Rule is accordingly made absolute with no order asto costs.

(Kshitij R.Vyas,J.)

(Akshay H.Mehta,J.)

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